

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Summary of Proposal to Add rule 4.150 to Title 4, Chapter 2 of the Local Rules

Exhibits posing security or safety problem

The proposal to add rule 4.150, entitled ***Exhibits posing security or safety problem***, to the court's Local Rules ("Rules") is part of the court's continuing effort to review, correct, and update its Rules as needed.

SUMMARY

This new rule establishes requirements for litigants' and the Court's handling of dangerous exhibits in criminal matters.

Proposed New Local Rule 4.150. Exhibits posing security or safety problem

(a) Definitions

As used in this rule:

- (1) "Biological material" means blood, urine, human or animal tissue, other biological item requiring refrigeration or humidity controlled storage, or any material that may be subjected to forensic DNA testing under Penal Code section 1405.
- (2) "Bulky" means anything that exceeds one cubic foot in volume.
- (3) "Hazardous material" means the controlled substances enumerated in Health and Safety Code sections 11054 through 11058.
- (4) "Heavy" means anything that exceeds three pounds by weight.
- (5) "Security or safety risk" means cash, firearms, sharp objects, or any explosive, flammable or corrosive device or material.

(b) Exhibit precautions

Any exhibit that contains biological or hazardous material, or poses a security or safety risk must be securely sealed and protected against breakage so that no contents or odors can be released that may harm court personnel. Containers of biological or hazardous material must be clearly marked and identified as to type, amount and weight. The court bailiff must examine any firearm to make sure that the firearm has been secured and rendered inoperable. Any package containing

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

cash must specifically list the total amount of cash contained and the number and amount of each denomination.

(c) Responsibility for certain exhibits

The court is not required to accept or store the following types of exhibits:

- (1) Any bulky or heavy item.
- (2) Any explosive, flammable or corrosive material.
- (3) Any item containing pressurized material.
- (4) Any material requiring refrigeration or humidity controlled storage.
- (5) Any material used for displaying exhibits except in capital case.

Following introduction of any of the above types of exhibits, the party that brought the exhibit to court will resume responsibility for it.

Rule 4.150 adopted effective July 1, 2015